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REMARKS

This response is to the Office Letter mailed in the above-referenced case on January 03, 2007. Claims 1-9, 11-16 and 18 are standing for examination. Claims 1-9, 11-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soliman (US PUB 20020065089) hereinafter Soliman, in view of Murray Allen Martin (WO 02/23935 A2) hereinafter Murray.

In response to the Examiner's present office action, applicant herein provides arguments which clearly show where the art of Soliman and Murray fail to read on applicant's claims. Applicant herein cancels claim 2 and amends claim 3 to depend from claim 1, as this was an oversight in the last response. No amendments are herein made in order to overcome the art.

The Examiner states that Soliman teaches; "(b) determining the time-of-day (TOD) at the telephone's location (fig.3c, WD 110, BS 106, paragraph 0058-0064, as indicated in block B355, process 350 determines the location of WD 110 as well as the exact time of day); and

(c) informing the caller of the TOD (fig.3c, WD 110, BS 106, paragraph 0058-0064, as indicated in block B355, process 350 determines the location of WD 110 as well as the exact time of day)."

Applicant argues that the Examiner has not applied the art of Soliman to read on the limitations of applicant's claim 1 in an appropriate manner, taking the limitations of claim 1 into context. The telephone in the art of Soliman is the *caller's* telephone, not the user's telephone, as claimed. Applicant argues it would do absolutely no good to one with skill in the art to be able to determine the TOD of the caller's telephone. Further, the art of Soliman uses internal computing methods to determine TOD of the caller's telephone and this TOD cannot be made available to either a caller or user (pg. 5, [0058] to [0061]).

Specifically, Soliman provides a base station for transmitting, receiving, and processing communication signals and a wireless communication device for

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communicating with the base station. The wireless communication device is configured to determine its location, to detect an arrival time of a first signal transmitted from the base station, and to calculate a line-of-sight delay corresponding to a line-of-sight distance between the wireless communication device and the base station. Clearly, one with skill in the art would not look to a system to determine internal signaling delays between a wireless device of a caller and a base station to accomplish the present invention.

Therefore, applicant's independent claims 1, 5, 9 and 18 are clearly patentable as argued over the art provided by the Examiner because Soliman is clearly shown to not teach what is espoused by the Examiner. Dependent claims 3-4, 6-8, 11-12 and 14-16 are patentable on their own merits, or at least as depended upon a patentable claim.

Applicant respectfully request reexamination and the case be quickly passed to issue. If there are any fees due beyond any fees paid with the present application and amendment, such fees are authorized to be deducted from deposit account 50-0534, and if any time extensions such extensions are petitioned, and fees authorized to be deducted from deposit account 50-0534.

Respectfully submitted,
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